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May 24, 2005

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, Mass. 02110

RE: Bay State Gas Company, DTE 05-27

Dear Secretary Cottrell:

Enclosed for filing in the above-captioned docket is the original and seven copies of the petition to intervene of the Massachusetts Association for Community Action (MASSCAP), the low-income weatherization and fuel assistance program network, and the Massachusetts Energy Directors Association (MEDA), including the member agencies that conduct business in the service territory of Bay State Gas Co.<sup>1</sup>

Please contact me if you have any questions about this filing.

Thank you.

Sincerely,

Cc:  
Service List  
Caroline O'Brien Bulger, Hearing Officer  
George Yiankos, Gas Division  
Andreas Thanos, Gas Division  
Charles Harak, Local 273  
Angela O'Connor, AIM

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<sup>1</sup> The agencies include: Berkshire Community Action Council (Pittsfield), Citizens for Citizens (Fall River), Franklin Community Action Corp. (Greenfield), Greater Lawrence Community Action Council, New England Farm Workers Council (Springfield), Springfield Partners for Community Action, Self Help Inc. (Brockton), South Middlesex Opportunity Council (Framingham), South Shore Community Action Council (Plymouth), and Valley Opportunity Council (Holyoke).

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

BAY STATE GAS COMPANY	)	
PETITION FOR INCREASE IN BASE RATES	)	D.T.E. 05-27
AND FOR APPROVAL OF PRICE CAP	)	
PERFORMANCE-BASE RATE PLAN	)	

PETITION TO INTERVENE  
OF MASSACHUSETTS ASSOCIATION FOR COMMUNITY ACTION, THE  
LOW-INCOME WEATHERIZATION AND FUEL ASSISTANCE PROGRAM  
NETWORK, AND THE MASSACHUSETTS ENERGY DIRECTORS  
ASSOCIATION, INCLUDING THEIR RESPECTIVE MEMBER AGENCIES

This is the petition of the Massachusetts Association for Community Action (MASSCAP), the low-income weatherization and fuel assistance program network, and the Massachusetts Energy Directors Association (MEDA), including their respective member agencies that conduct business in the service territory of Bay State Gas Co.<sup>2</sup> It requests that the petitioners be granted intervenor status in the above-captioned docket, in which Bay State Gas Company (the Company) proposes a general increase in gas base rates, approval of a price cap performance-base rate plan, and approval of a steel infrastructure replacement adjustment.

G.L. c. 25, sec. 19 (St. 1997, c. 164, sec. 37) provides that “The low-income residential demand-side management and education programs shall be implemented through the low-income weatherization and fuel assistance program network<sup>3</sup> and shall be coordinated with all gas distribution companies in the commonwealth with the objective of standardizing implementation.” MASSCAP is the organization of community action programs that make up most of the low-income weatherization and fuel assistance program network. MEDA is the organization of agencies that implement low-income weatherization and fuel assistance programs. Members of MASSCAP, the Network, and MEDA implement the Company’s low-income demand-side management (DSM) programs, including education; they also process applications for fuel assistance (LIHEAP) and other assistance for Company customers.

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<sup>2</sup> The agencies include: Berkshire Community Action Council (Pittsfield), Citizens for Citizens (Fall River), Franklin Community Action Corp. (Greenfield), Greater Lawrence Community Action Council, New England Farm Workers Council (Springfield), Springfield Partners for Community Action, Self Help Inc. (Brockton), South Middlesex Opportunity Council (Framingham), South Shore Community Action Council (Plymouth), and Valley Opportunity Council (Holyoke).

<sup>3</sup> Hereinafter referred to as the Network.

Members of MASSCAP, the Network, and MEDA counsel customers of the Company about rates and payment options, and arrange rate payment assistance (including LIHEAP and other forms of assistance) for Company customers. Many of the Company's customers, especially the low-income customers served by members of MASSCAP, the Network, and MEDA, are currently having an especially difficult time paying their bills due to the significant increases in the past several years in the price, price volatility, and volume requirements, of the natural gas commodity delivered by the Company. This difficulty is exacerbated by certain other actions of the Company.

Petitioners are thus substantially affected by the level of the Company's rates because (a) their clients (or clients of their members) are more likely to require assistance as rates and price volatility rise, (b) the efficiency, weatherization, education, counseling and payment assistance services they (or their members) offer are less likely to result in affordable utility bills for their clients as rates and volatility rise, (c) they (or their members) will be increasingly called upon to secure other means of assistance with utility bills as rates and volatility rise, (d) they (or their members) will be increasingly called upon to assist clients who have had utility service terminated for non-payment as rates and volatility rise, and (e) they will be called upon by their members to assist them in helping members' clients as rates and volatility rise. Petitioners also represent the interest of their (or their members') clients in reasonable and stable rates that they can afford to manage and pay; clients are substantially affected by rates that they cannot afford to pay because they are unreasonably high or volatile.

The petitioners have questions about the price levels proposed in the above-captioned filing. Further, in petitioners' view, increases in base gas rates should be mitigated by affordability programs, including an arrearage management program; an efficiency program, including a heating system repair and replacement program, that is substantially equivalent to that offered by other gas local distribution companies in the Commonwealth; gas purchasing portfolios that are managed to reduce price volatility as well as to reduce overall costs; and other measures.

If settlement is not attainable in this docket, petitioners expect to file oral and documentary evidence on the topics described above, contending that the Company's petition is unreasonable under G.L. c. 164. Relief sought would include the mitigation measures described in the previous paragraph.

Wherefore, Massachusetts Association for Community Action, the low-income weatherization and fuel assistance program network, and the Massachusetts Energy Directors Association, including their respective member agencies that conduct business in the service territory of Bay State Gas Co., respectfully request that the Department grant intervenor status to these petitioners.

Respectfully submitted,

Massachusetts Association for Community Action, the low-income weatherization and fuel assistance program network, and the Massachusetts Energy Directors Association, including their respective member agencies that conduct business in the service territory of Bay State Gas Co.

By their attorney,

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#### CERTIFICATE OF SERVICE

I certify that, on this date, I caused copies of the foregoing Petition to Intervene to be served by First Class Mail, postage prepaid, to each person the Service List at this date.

Jerrold Oppenheim